

## **ANDEAN OPPOSITIONS, MULTICLASS TRADEMARKS AND LICENSE AGREEMENTS**

It is the right that empowers anyone with a legitimate interest to prevent the registration of a trademark if considers that an application violates their rights.

### **LEGITIMATE INTEREST**

According to Article 147 of Decision 486 it should be understood that also have a legitimate interest in filing oppositions in the other Member Countries, the holder of an identical or similar trademark for goods or services for which use of the trademark can lead the public into error, and who first applied for registration of that trademark in any of the Member Countries. In both cases, the opponents must demonstrate real interest in operating in the market of the Member Country where they are filing opposition. To that effect the opponents should apply for registration of the trademark when filing the opposiiton.

### **OPPOSITION BASED ON A PREVIOUSLY REGISTERED TRADEMARK**

The filing of an opposition based on a trademark previously registered in any of the Member Countries in accordance with the provisions of this Article shall entitle the competent national office to refuse registration of the second trademark.

### **OPPOSITION BASED ON ONE APPLICATION FOR REGISTRATION**

The filing of an opposition based on a trademark application previously filed in any of the Member Countries in accordance with the provisions of this Article shall result in the suspension of registration of the second trademark, until the registration of the first trademark as been conferred.

### **DEADLINES**

If there is opposition, the competent national office shall notify the applicant so that within thirty days said applicant may submit its arguments and file evidences, if deemed appropriate.



Upon request, the competent national office shall grant, for once, an additional thirty days in which to submit evidence to support the response.

### **OPPOSITIONS ARE NOT ACCEPTED**

The competent national office does not consider admissible oppositions when they are included in any of the following cases:

- a) when filed without indicating the essential data on the opponent and the application against which the opposition is filed;
- b) when the opposition is filed out of time;
- c) when the processing fees have not been paid.

### **ON THE RENUNCIATION OF REGISTRATION**

The owner of a trademark registration may at an time renounce its rights to the registration. The renunciation may be total or partial (when covering certain products or services identified by the trademark).

**Article 171** .- Owners of a trademark registration may at any time renounce their rights to the registration.

Where renunciation is partial, the cancellation of the registration shall relate only to those goods or services that the owner has renounced. Renunciation shall not be permitted where there are encumbrances or real guaranty rights that are registered with the competent national office, unless the owners of those rights have given their express consent to such renunciation.

Renunciation of a trademark shall become effective only when registration of the renunciation with the competent national office has taken place.

